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10/737,061	12/15/2003	Herman Oskam	33752/US	5240

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EXAMINER

JOHNSON, BLAIR M

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3634

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/737,061
Filing Date: December 15, 2003
Appellant(s): OSKAM ET AL.

Gary Polumbus
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/15/06 appealing from the Office action
mailed 6/14/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,574,597	Buck et al	3-1986
5,908,062	Fun	6-1999

2001/0035269	Judkins	11-2001
2003/0178155	Fraczek	9-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 2,3,11,12,17-23,26-28,33-36 and 38-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fraczek in view of Buck et al.

Fraczek discloses everything, including the cam surface 22 and the notched end plug 34, except the ribs. In Buck et al, see the ribs on the spool formed by grooves 15a,23a,25a,27a. It is disclosed that not all sections may have such ribs, column 7, lines 1-10. See first spool section 23 and second spool section 25, and camming surface 15 located on the "support means", which reads on the end of the spool. Buck et al discloses the use of ribs so as to grip the cord as well as to reduce friction for the sliding movement of the cord on the spool and it would have been obvious to provide Fraczek with such ribs for these purposes. Claim 40 is broad and reads on any portion of the supporting structure of the spool.

Claims 2,3,9,10,17-19,21 and 26-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fun in view of Buck et al.

Fun discloses everything except the ribs. However, as discussed above, Buck et al discloses such so as to grip the cord as well as to reduce friction for the sliding movement of the cord on the spool and it would have been obvious to provide Fun with such ribs for these purposes.

Claims 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fraczek in view of Buck et al as applied above, and further in view of Judkins.

Judkins discloses a grommet 18 for providing a bearing for the cord so as to not damage the structure in the headrail. It would have been obvious to provide such a grommet for the headrail of Fraczek for this purpose.

(10) Response to Argument

Appellant's argument is one of alleging a nonanalogous nature of the Buck et al reference with either the Fraczek or Fun reference with which it is combined. The Examiner disagrees for the following reasons. To go outside of the field of endeavor, which in this case constitutes window blinds, motivation resides in addressing the particular problem addressed by the inventor. In this case, that problem faced by Appellant involved improving a winding spool so that a cord type element is wound on the spool in such a manor that the cord does not overlap or tangle and further that the windings of the cord slide axially along the spool so as to establish a single layer of winding on the spool. One of ordinary skill in the art attempting to solve such spool related problems would clearly consider spools that accomplish these objectives. Such consideration would clearly have led him to Buck et al. Buck et al is replete with statements promoting these features that would have commar:ded Appellant's attention. For example, Buck et al's spool insures that tangling is prevented, column 2, lines 56-59, and column 3, lines 6-16. The specification of Buck et al discusses at length the advantages of the conical portions of the spools for accepting the cord and for establishing the aforementioned axial sliding single winding layer. Motivation is clearly

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present to justify looking to Buck et al to solve exactly the same problem faced by Appellant. Buck et al additionally promotes the use of ribs, or alternatively, corrugations or rods, to further promote the sliding single layer winding on his spool. Buck et al states that the cord rests only on these ribs. Clearly, these ribs provide advantages, most notably less friction for the sliding of the cords along the axial length of the spool due to reduced surface contact verses a solid surface spool. This is the same motivating factor that drove Appellant's incorporation of ribs in the present invention. Clearly, Buck et al considers the spool embodiment that has ribs to have some advantages for accomplishing the cord winding and sliding movement and such advantages would have attracted Appellant. Appellant states that the ribs are for the sole purpose of rendering manufacturing of the spool "less complicated". However, the ribs and the manufacturing of the spool are never mentioned by Buck et al in a way so as to be related. Appellant's contention that these two aspects of Buck et al are related is unfounded.

In summary, as carefully detailed above, one of ordinary skill in the art would have clearly been motivated to seek out the art in which Buck et al resides since Buck et al constitutes analogous art.

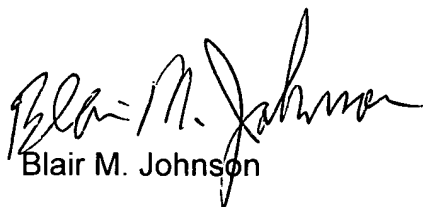
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Blair M. Johnson

Conferees:

Meredith Petravick 

David Purol 